UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3/* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2005*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *6/16/05; 2/20/07*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-15 are pending in this application.

Specification

Applicant has failed to provide antecedent basis for the claimed terminology

"computer-readable media" (claim 10). Therefore, the question becomes whether non-

statutory embodiments would be fairly conveyed to one of ordinary skill given the

terminology utilized. Therefore, the Specification is objected to under 37 CFR 1.75 (see

MPEP 608.01(o)).

Claim Objections

2.   Claims 1-15 are objected to because of the following informalities:

Claims 1 and 11 appear to include typographically error. Specifically, a ";" is

omitted at end of each claimed limitation.

For the purpose of this office action the Examiner would replace "," on lines 6 and

8 of claim 1 and on lines 6, 9 and 12 of claim 11 with ";".

Claim 11 appears to include typographically error. Specifically, an "and" is

omitted before the last claimed limitation.

For the purpose of this office action the Examiner would interpret and insert an

"and" after "type," on line 12 of claim 11.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms are unclear:

It is not clear whether "an Aspect Object" on lines 2 and 3 of claim 1 and 4 respectively are different from "an Aspect Object" on line 12 of claim 4.

For the purpose of this office action the Examiner would interpret and replace "an Aspect Object" on line 2 of claim 1 and on line 3 of claim 4 with "the Aspect Object".

It is not clear whether "a Control System" on line 2 of claim 1 is different from "a Control System" on line 4 of claim 1.

For the purpose of this office action the Examiner would interpret and replace "a Control System" on line 4 with "the Control System"

It is not clear whether "a function" on line 1 of claims 1 and 11 is different from "a function" on lines 12 and 14 of claims 1 and 11.

For the purpose of this office action the Examiner would interpret and replace "a function" on lines 12 and 13 of claims 1 and 11 respectively with "the function".

It is not clear whether "an Aspect System Object" on line 4 of claim 4 is different from "an Aspect System Object" on line 11 of claim 1.

For the purpose of this office action the Examiner would interpret and replace "an Aspect System Object" on line 4 with "the Aspect System Object".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   **Claim 10 is directed to non-statutory subject matter.**

Given the specification, claim 10 is rejected under 101 as failing to be limited to embodiments which fall within a statutory category. In this instance, since the specification does not provide antecedent basis for the claimed "computer readable medium" it is not clear whether "computer readable medium" is directed to statutory subject matter.

Therefore, it would appear reasonable to interpret "computer readable medium" as transmission media or other forms of propagation medium and as such fails to be an appropriate manufacture under 35 USC 101 in the context of computer-related inventions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Applicant Admitted Prior Art (hereinafter referred to as AAPT

pages 6-7 of the specification) in view of COMPONENTXCHNAGE: AN E-

EXCHANGE FOR SOFTWARE COMPONENTS issued to Varadarajan et al. (pages

1-13) to Varadarajan et al.

6.   As to claim 1, AAPT teaches a method to enable access to a function of a real

world object represented as an Aspect Object in a Control System (Computerized

System 10), which comprises an Aspect System (figures 1/2 page 6 lines 25 – 33, page

7 lines 1 – 33), the method comprising:

calling an interface of the Aspect Object in a Control System, from a web client

application ("…invoking a method…" page 6 lines 31 – 33, "…QueryAspectInterface…"

page 7 lines 1 – 2);

requesting a representation of the Aspect Object and Aspects associated with

the Aspect Object (Aspect Object 3 page 7 lines 17 – 24);

requesting a representation of an Aspect Category and an Aspect Type (Aspect

Category 23 page 7 lines 22 – 29); and

requesting an Aspect System Object by the web client application wherein the

function of the real world object is enabled for access (Aspect System Object 8 page 7

lines 17 – 20).

AAPT is silent with reference to calling an interface of an Aspect Object in a

Control System, through the Internet or an intranet, from a web client application in an

external client device, downloading to the client device a representation of the Aspect

Object and Aspects associated with the Aspect Object, downloading to the client device

a representation of an Aspect Category and an Aspect Type and downloading a

representation of an Aspect System Object to the client device hosting the web client

application wherein a function of the real world object is enabled for access.

Varadarajan teaches calling an interface of an Aspect Object in a Control

System, through the Internet or an intranet ("…World Wide Web…" page 1 Abstract,

"…HTTP POST method…" page 8 section 4.3), from a web client application in an

external client device ("…interface of the matchmaking module…client query…" page 5

section 3, "…web-based query interface…" page 8 section 4.2/4.3), downloading to the

client device a representation of the Aspect Object and Aspects associated with the

Aspect Object ("…component can used either by downloading it…" page 1 Abstract,

"…component is downloaded to the client…" page 2 section 1), downloading to the

client device a representation of an Aspect Category and an Aspect Type ("…returns

those components…" page 5 section 3) and downloading a representation of an Aspect

System Object to the client device hosting the web client application wherein a function

of the real world object is enabled for access ("…component can used either by

downloading it…" page 1 Abstract, "…component is downloaded to the client and later

integrated in the client application…" page 2 section 1).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify of the system of AAPT with the teaching of Varadarajan

because the teaching of Varadarajan would improve the system of AAPT by providing

Web-based Aspect component exchanges and retrieval system for buying and selling of

Aspect software components (Varadarajan page 11 section 6).

7.   As to claim 2, Varadarajan teaches the method according to claim 1, wherein the

web client application is a web browser ("…web-based query interface…browser" page

8 section 4.2)

8.   As to claim 3, Varadarajan teaches the method according to claim 2, wherein the

calling step comprises the additional step of passing an interface type as a parameter

("…query…" page 4 section 2.2, "…client query…" Page 5 section 3).

9.   As to claim 4, Varadarajan teaches the method according to claim 1, further

comprising: initializing an Aspect Object in the client device and initializing an Aspect

System Object in the client device ("…component…and integrated into the client

application…" page 2 "…component…integrated in the client application…" page 2

section 1).

10.   As to claim 5, Varadarajan teaches the method according to claim 1, further

comprising: downloading first and second software components to the client device is

with a web server ("…Java Servlets API…" page 8 sections 4.1/4.3: NOTE: Servlet API,

contained in the Java package hierarchy javax.servlet, defines the expected interactions

of a Web Server and a Servlet).

11.   As to claim 6, Varadarajan teaches the method according to claim 1, further

comprising: downloading an Aspect System Object, wherein downloading the Aspect

System Object comprises matching the interface type with an interface type listed in the

Aspect Category and the Aspect Type ("…best match…" page 2 section 1,

"…Matchmaking involves comparing…" page 5 section 3, "…Matchmaking…" page 8

section 4.3).

12.   As to claim 7, AAPT teaches the method according to claim 1, wherein a function

of the real world object is a start, stop, open or close function ("…functions are open,

close start…" page 7 lines 27 – 33).

13.   As to claim 8, AAPT teaches the method according to claim 1, wherein the client

device is a personal computer, a mobile phone, a handheld device or a Personal Digital

Assistant (PDA) ("…the client…" page 2 section 1).

14.   As to claims 9 and 10, see the rejection of claim 1 above.

15.   As to claim 11, claim 11 is rejected for the same reason as claim 1 because

claim 11 is a system claim of claim 1.

16.   As to claim 12, see the rejection of claim 2 above.

17.   As to claims 14 and 15, see the rejection of claims 7 and 8 respectively.

18.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant Admitted Prior Art (hereinafter referred to as AAPT pages 6-7 of the

specification) in view of COMPONENTXCHNAGE: AN E-EXCHANGE FOR

SOFTWARE COMPONENTS issued to Varadarajan et al. (pages 1-13) to

Varadarajan et al. as applied to claim 12 above, and further in view of U.S. Pat. No.

6,640,140 B1 issued to Lindner et al.

19.   As to claim 13, Varadarajan teaches the first and second software component

("…component can used either by downloading it…" page 1 Abstract, "…component is

downloaded to the client…" page 2 section 1).

Lindner teaches the Control System according to claim 12, wherein the Control

System comprise a web server, which handles the download of files to the client device

("…web server…" Col. 2 Ln. 51 – 58, Web Server 12 Col. 4 Ln. 20 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Varadarajan and AAPT with the teaching of Lindner because the teaching of Lindner would improve the system of Varadarajan and AAPT by providing an industrial control or automation system for performing a control function relevant to an industrial control or automated system and for monitoring control system information and data associated with the control function (Lindner Col. 1 Ln. 6 – 14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles E Anya/
Examiner, Art Unit 2194